

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

Case No. CV 11-7913 DSF (JCx)

Date 7/20/12

Title Mike Lipschultz v. Good Knight Inc, Corp.

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:**

(IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION AND FAILURE TO COMPLY WITH COURT ORDERS; ALTERNATIVELY ORDER TO SHOW CAUSE WHY ANSWER SHOULD NOT BE STRICKEN AND DEFAULT SHOULD NOT BE ENTERED FOR FAILURE TO COMPLY WITH COURT ORDERS

On January 31, 2012, this Court set a pretrial conference date of July 23, 2012. Pursuant to the Court's Order re Jury Trial, the proposed pretrial conference order and proposed jury instructions should have been lodged no later than seven days before the pretrial conference. Memoranda of contentions of fact and law, witness lists, and a joint exhibit list were to be filed no later than 21 days before the pretrial conference. As of this date, Plaintiff has filed only a witness list, a unilateral exhibit list and a Memorandum of Contentions of Law and Fact. Defendant has filed none of the required documents.

Plaintiff is ordered to show cause on July 23, 2012 at 3:00 p.m. why this action should not be dismissed for lack of prosecution and failure to comply with this Court's orders. Plaintiff may show cause by submitting a proposed pretrial conference order, no later than July 23, 2012 at 3 p.m. If Plaintiff submits documents that comply with this Court's orders and the Local Rules, a pretrial conference will be held on July 23, 2012 at 3:00 p.m. If Plaintiff fails to submit such documents and fails to show cause why this action should not be dismissed, the action will be dismissed with prejudice.

Pursuant to section II. B. 8 of the Court's Jury Trial Order, Plaintiff has waived a jury trial.

If Plaintiff shows cause why the action should not be dismissed, the Defendant must show cause why its answer should not be stricken and its default should not be

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entered for failure to comply with this Court's orders. If Defendant submits documents that comply with this Court's orders and the Local Rules, a pretrial conference will be held on July 23, 2012 at 3:00 p.m. If Plaintiff shows cause why the action should not be dismissed, but Defendant fails to show cause why its answer should not be stricken and its default should not be entered, then the trial will proceed as a default judgment prove-up on August 21, 2012.

Mandatory paper copies of all documents are to be submitted to chambers.

IT IS SO ORDERED.